CWP No. 496 of 2007.

13.09.2007 Present: Mr. Bipin Negi, Advocate for the petitioner.

Mr. M.S. Chandel, Advocate General with Mr. M.A. Khan and Ms. Meenakshi Sharma, Deputy Advocate Generals for respondents No.1 and 2.

Mr. Tarlok Chauhan, Advocate for respondent No.3.

Mr. Vinod Thakur, Advocate for respondents No.4 and 5.

Primarily two contentions have been raised by Mr. Bipin Negi; firstly, the removal of the petitioner was not ratified by the Registrar as stipulated under sub-rule (2) of Rule 43 of the Himachal Pradesh Co-operative Societies Rules, 1971 and secondly, that at the special meeting no business other than the removal of the petitioner could be discussed as per sub-rule (3) of Rule 48 of the aforesaid Rules.

When the arguments were in progress, a suggestion has come from the parties that they are ready and willing for requisitioning of special Committee meeting of the Board of Directors for the election of the new office bearers of the Managing Committee. The suggestion made on behalf of the parties is very fair and it is also in the spirit of the Co-operative movement.

Accordingly, the proceedings dated 29th March, 2007 are quashed and set aside with the consent of the parties and the Assistant Registrar, Co-operative Society, Reckong Peo at Kalpa is directed to convene the special meeting to elect the new office bearers of the Managing Committee within a period of 15 days. The Assistant Registrar will issue the requisite notices to all the voters within a period of one week after the receipt of the copy of the judgment and thereafter a date will be fixed for the elections. The only item which will be taken on the date fixed by the Assistant Registrar will be confined to the election of

the office bearers of the Managing Committee of the Society in question. The Assistant Registrar is directed to ensure that the elections are conducted in a fair manner. The Assistant Registrar will declare the result on the same day and consequential steps will be taken thereafter by him.

Accordingly, the writ petition is disposed of in the aforesaid terms with no order as to costs. Needless to add that till the constitution of new Managing Committee the Committee looking into the affairs of the Society since 29th March, 2007 will continue to avoid distruption of the functioning of the Society till the new Managing Committee takes over.

Copy **Dasti.**

(Rajiv Sharma), Judge.

September 13, 2007
(sck)